

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TATYANA RUZHINSKAYA, as Administratrix of the Estate of MARINA ROCHNIAK, Deceased, on behalf of herself and all others similarly situated,

Plaintiff,

v.

HEALTHPORT TECHNOLOGIES, LLC,

Defendant.

Case No.: 1:14-cv-02921 (PAE)

ECF Case

Electronically Filed

**PLAINTIFFS' PROPOSED
VOIR DIRE QUESTIONS**

Plaintiff Tatyana Ruzhinskaya, as Administratrix of the Estate of Marina Rochniak (individually, "Plaintiff"), and on behalf of the members of the Class (collectively, "Plaintiffs"), respectfully requests that, at such time as *voir dire* of the jury venire is conducted, the Court ask the jury each of the following questions:

1. This trial is expected to last for approximately six business days. Is there anything about the anticipated length or scheduling of the trial that will interfere with your ability to serve as a juror in this case?
2. Does anyone have a medical reason or other personal hardship that would make it difficult to serve as a juror in this case?
3. Is anyone a sole proprietor or does anyone work on commission, such that you would lose income if you were unable to report to work because you were selected as a juror?
4. Does anyone have difficulty reading, hearing, or understanding the English language?

5. Does anyone have a special need or require reasonable accommodations to help you listen, pay attention, read printed materials, deliberate or otherwise participate as a fair and impartial juror? The Court will provide reasonable accommodations to your special needs but will only be aware of your special needs if you let the Court know about them. My only purpose in asking you these questions relates to your ability to serve as a juror. If you have any such request, please raise your hand and I will speak to you at sidebar

6. Does anyone know or has anyone dealt with the Plaintiff, the Defendant or any of its employees, or any of the attorneys in this case? If yes, please identify the person you know or have dealt with, the nature of your relationship, and whether that relationship would hinder or affect your ability to give a fair trial to all of the parties in this case.

7. Does anyone know or has anyone dealt with Beth Israel Medical Center or any of its employees? If yes, please identify the person you know or have dealt with, the nature of your relationship, and whether that relationship would hinder or affect your ability to give a fair trial to all of the parties in this case.

8. Does anyone know, or has anyone had business dealings with, any of the witnesses who have just been identified by counsel? If yes, please identify the person you know or have dealt with, the nature of your relationship, and whether that relationship would hinder or affect your ability to give a fair trial to all of the parties in this case.

9. Does anyone know, or has anyone had business dealings with, any of the other potential jurors in the jury box?

10. Now that I have discussed the different burdens of proof in criminal and civil cases, does everyone understand those different burdens? Does everyone understand that this is a civil case and that there is a lower burden than the one applied in a criminal case?

11. Has anyone previously served as a juror either in a criminal or a civil case? If yes, has your previous experience as a juror affected your ability to be fair to all sides in this case?

12. Has anyone ever served as the foreperson on a jury?

13. In the eyes of the law, all parties, whether individuals or corporations, are to be treated alike. All parties are entitled to the same honest, fair and impartial treatment. Is there anyone that if selected as a juror in this case cannot accept and apply this principle of law?

14. Does anyone know of any reason he or she may be prejudiced for or against the Plaintiff or Defendant because of the nature of the case, or otherwise?

15. Has anyone ever been represented by a lawyer?

16. Does anyone dislike lawyers who represent consumers in cases like this?

17. How many of you just don't like lawyers?

18. Has anyone here had a negative experience with, or have such negative feelings about, lawyers that he or she cannot trust them?

19. Is anyone here a lawyer, married to a lawyer, or in a substantial relationship with a lawyer? Has anyone studied law or worked in a law office? Notwithstanding what you feel the law is or should be on a particular subject, will you apply the law as I give it to you at the end of this case, even if you disagree with it?

20. Would anyone here have any difficulty or reluctance accepting the law as explained by the Court and applying it to the facts regardless of your personal beliefs about what the law should be or is?

21. Does anyone here, because of your job or employment, feel that you may not be able to judge this case impartially?

22. Has anyone read in the newspaper, read on the internet, seen on television, or heard on the radio anything about this case, or do you have any knowledge about the facts or events of this case?

23. If you are selected as a juror, do you pledge that you will base your decision on the facts as presented in this trial and not on any past experience or prior opinions you might have about the subject matter of this case?

24. Has anyone ever been a party to a lawsuit or had a family member who was a party to a lawsuit? If so, what was the nature of the lawsuit? Does that experience affect your ability to be fair to all parties in deciding this case?

25. This case is in the civil justice system. That means that the Plaintiff sued the Defendant and has brought that company to court to seek a judgment requiring it to pay money. Does anyone have any strong feelings about the civil justice system?

26. How many people think that the civil justice system is just broken?

27. How many people are opposed to civil lawsuits no matter what the circumstances?

28. Does anyone think that most of the lawsuits that are filed in the civil justice system are frivolous? Does anyone feel that this case falls into the category of frivolous suits?

29. This case is a class action. That means that the Plaintiff represents a group of plaintiffs who have similar claims and is seeking a judgment requiring the Defendant to pay money to the members of the class. How many people think that class actions hurt businesses and damage the economy?

30. Does anyone feel that class actions aren't about right and wrong, but are just about someone looking for deep pockets?

31. Does anyone feel that businesses are overregulated?
32. At this point, you have heard no evidence yet. Is there anyone here who has already formed an opinion about this case? Does anyone, for example, think this lawsuit must be frivolous?
33. You may be called upon in this case to decide liability and award monetary damages. Do any of you have any religious, philosophical, or other belief that prevents you from working with the other jurors to award any damages if Plaintiffs prove their case?
34. Is there anyone who, if selected to serve as a juror, has any qualms about attempting to come to a verdict at the end of the case?
35. Does anyone here believe that their verdict in this case would be influenced in any way by any factors other than the evidence in the courtroom, such as friendships, family, or the type of work you do?
36. Has anyone here ever requested medical records or had his or her attorney request medical records? If so, were you charged for them?
37. Does anyone disagree that companies should follow the law?
38. How many of you would describe yourself as detail oriented? How many of you read the fine print of your cell phone contract before you signed it?
39. Is there anyone here that has an undergraduate degree from a college or university? Is there anyone here that has advanced degree from a college or university?
40. How many of you supervise or manage people at work or have supervised people at a previous job?
41. How many of you have occupied a leadership position outside of work, say in a volunteer capacity, at church, that kind of thing?

42. Is there anyone here who has:

- a. Worked as an accountant or bookkeeper?
- b. Worked as an insurance adjuster?
- c. Worked in the banking or finance industries?
- d. Worked in a hospital or for a healthcare provider?
- e. Worked for a copying service or vendor, such as Kinkos or Iron Mountain?
- f. Worked with medical records?

43. Is there anything else anyone feels that the parties should know about you?

Dated: September 2, 2016

Respectfully submitted,

By: /s/ Mathew P. Jasinski
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Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that September 2, 2016, a copy of the foregoing Plaintiffs' Proposed *Voir Dire* Questions was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Mathew P. Jasinski
Mathew P. Jasinski